

REMARKS

This is in response to the Office Action of March 4, 2010. The rejection of claims 1-7 over the teachings in ELDERING in view of SALGANICOFF and further in view of GOLDHABER et al is not believed to be well taken and is respectfully traversed.

In the previous responses to Office Actions, the Applicant has repeatedly pointed out why the teachings of the cited references point away from the present invention. In the immediately preceding response, the Applicant clearly established that the present invention is not obvious over the combination of ELDERING and SALGANICOFF. These arguments are incorporated herein by reference.

In response to the previously filed arguments, the present Office Action states that the Applicant's arguments in response to the previous Office Action are moot in view of the new grounds of rejection.

However, the Applicant fails to see how the Office Action raises new grounds for rejection. Indeed, the same main reference, ELDERING, is used in combination with a secondary reference, SALGANICOFF. In the latest Office Action, the Examiner adds the reference to GOLDHABER et al.

The Examiner now states, in respect of ELDERING and SALGANICOFF, that it would have been obvious to one skilled in the art at the time of the invention to modify ELDERING to include the features of the combining feedback derived consumption profile with a behavior derived consumption profile corresponding to consumer actual preferences for the prediscerning characteristics. The previously submitted arguments regarding ELDERING and the combination of ELDERING with SALGANICOFF are fully applicable in response to the present Office Action and are incorporated herein by reference.

The Examiner contends that GOLDHABER teaches the concept of enabling the consumer to select one of at least one best match consumption object to obtain the consumption object.

GOLDHABER is directed to a system and method for providing the immediate payment to computer and other users for paying attention to an advertisement or other negatively priced information distributed over computer networks such as the Internet. GOLDHABER coins this attention brokerage that is the business of brokering the buying and selling of the attention of users. The users are targeted by reference to a database of digitally stored demographic profiles of potential users. GOLDHABER states that private profiles may be maintained for different users and user information may be released to advertisers and other marketers only based on user permission.

Again, and by advancing arguments previously presented, the system taught in ELDERING enables the advertiser to make a determination as to the applicability of a given advertisement to a particular consumer, not the other way around. In other words, ELDERING does not assist the consumer in selecting the best product available, but rather assists the advertiser in the selecting of the best consumer available.

In SALGANICOFF, the set top multimedia terminal determines a subset of available programs which is the most desirable for viewing by the customer. In the same manner, the system of GOLDHABER is not concerned with helping a consumer find the best product or service. GOLDHABER is fundamentally concerned with remunerating consumers for advertisings viewed. Although the underlying assumption of GOLDHABER is that if a user views an advertisement, he or she may eventually be tempted to purchase a product, there is no matching of a particular product with a consumer based on the consumer's profile as updated by an actual consumption profile.

The Examiner draws attention to figures 11 and column 15, line 31 to column 16, line 5 of GOLDHABER. Figure 11 is directed to a number of possible advertisements that a consumer may wish to visualize in exchange for remuneration. This does not presume that the consumers are actually seeking out any of these products or services but rather that the consumer would be more receptive to viewing these advertisements in view of the consumption profile. In respect to column 15, line 31 to column 16, line 5 explain how the ads can be matched to be the interest profiles of the particular user. This has nothing to do having a consumer anonymously seek out

products or services matching his or her interests and true consumption profile and then presenting the user with a selection of such products or services preferably ranked from the most relevant to the least relevant as called for in the present claims.

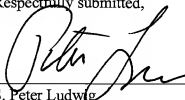
For the reasons set forth above, the present claims are not obvious over the cited references and withdrawal of this ground for rejection is respectfully requested. Withdrawal of all grounds for rejection and allowance of the present claims is believed in order and such action is earnestly solicited.

Enclosed is a Petition for Extension of Time. Please apply any other charges or credits to deposit account 06-1050.

Date: _____

9-2-10

Respectfully submitted,



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